



BURR RIDGE SUBDIVISION ORDINANCE

SECTION XI DEDICATION OF SCHOOL LAND OR PAYMENT OF FEES IN LIEU THEREOF

As a condition of approval of a final plat of development, a final plat of subdivision, or a final plat of or Special Use permit for a planned unit development, each subdivider or developer will be required to dedicate land for school purposes to serve the immediate and future needs of the residents and children of the development, or make a cash contribution in-lieu-of actual land dedication, or a combination of both, at the option of the Village, in accordance with the following criteria and formula:

A. CRITERIA FOR SCHOOL LAND DEDICATION:

1. **REQUIREMENTS AND POPULATION RATIO.** The ultimate density of a proposed development, subdivision or planned unit development shall bear directly upon the amount of land required to be dedicated for school sites. The land dedication requirement shall be determined in accordance with the data for the estimated number of children entering school per type of dwelling found in the latest edition of the table prepared by Associated Municipal Consultants, Inc., which table is reproduced as a density formula in Section Two C. hereof.

School Classifications and size of School sites within the Village shall be determined in accordance with the following criteria based upon "Recommendations for Elementary and High School Spaces." published by the Office of the Superintendent of Public Instruction (now the State of Superintendent of Education), State of Illinois, Springfield, Illinois:

School Classification by grades	Maximum number of students	Minimum number of acres of land
Elementary	600	11
Junior High	900	29
Senior High	1500	45

2. **LOCATION.** The comprehensive plan of the Village, the comprehensive school plan or facility utilization plan of the School District and the standards adopted by the School District shall be considered in locating school sites. The location of dedicated school sites shall be determined with the input of the school district involved. A central location, which will serve equally the entire development, is most desirable. Additional guidelines which shall be considered in locating sites include, but are not limited to, size of the subdivisions, proximity of the site to other schools and municipal services, topography and shape of the site, accessibility of the site, safety and other environmental and use conditions.



B. CRITERIA FOR REQUIRING A CONTRIBUTION IN-LIEU-OF SCHOOL LAND.

Where the subdivision or development is small and resulting school site is, in the opinion of the Village, too small to be practical or when the available land, in the opinion of the Village, after consultation with the affected school district, is inappropriate for school purposes, the Village shall require the subdivider or developer to pay a cash contribution in-lieu-of school land dedication shall be paid to the Village which shall then pay said contributions over to the school district and such contributions shall be held in trust by the school district in which the development is located. Such contributions shall be expended solely for the acquisition of land for school sites and/or the types of improvements of school land, as set forth in Section IXB,B,2,a. below, which land and/or improvements will be available to serve the immediate or future needs of the residents of that development, subdivision or planned unit development or for the improvement of other existing local school land which already serves such needs. The Village shall have the right to request and receive from the affected school districts annual audit reports and any other information the Village may need from time to time to insure compliance with this Ordinance. If development is within a school district that does not have an intergovernmental agreement with the Village relating to the contributions collected hereunder, the Village shall expend the funds for the construction of sidewalks between the affected development and the school to which the children from said subdivision will attend. If any portion of a cash contribution in-lieu-of school land dedication is not expended for the purposes set forth herein within ten (10) years from the date of receipt, the school district (or the Village if applicable) holding the funds shall refund such contribution to the owners of record of all lots, except lots dedicated pursuant to the provision of this Ordinance, in the development, subdivision, or planned unit development for which such contributions was made. The refund shall be paid to the persons who are the owners of record on the day, which is the tenth anniversary of the receipt of such contribution. The amount of the refund due to each lot owner shall be equal to the amount of the original contribution, together with such interest as may have been earned thereon, divided by the total number of lots in the development, subdivision or planned unit development (excluding only those lots which were dedicated pursuant to this Ordinance) for which such contribution was made.

1. ACQUISITION USING CASH IN-LIEU-OF SCHOOL LAND DONATIONS.

- a. The term acquisition as used in this ordinance shall mean - the acquiring of land by purchase, condemnation or such other means as may be appropriate.
- b. The acquired land shall be used for the construction of new facilities or shall support the types of improvements as set forth in Section Two B.2. a below.

2. IMPROVEMENT USING CASH IN-LIEU-OF SCHOOL LAND DONATIONS.

Where existing school lands will serve the needs of the development, the cash contribution in-lieu-of land dedication shall be used for the following types of physical improvements: Expansion of existing school facilities, additions to existing facilities and additions to school grounds and environment.



3. **FAIR MARKET VALUE.** The cash contribution in lieu of land shall be based on the sum of the fair market value of a vacant, unimproved, and unsubdivided acre of land in the Village and the estimate of the Village Engineer as to the cost of improving such land with electrical utilities, water, sewer, and streets, including enclosed drainage and curbs and gutters, and all other improvements required under this Subdivision Regulations Ordinance. All cash contribution calculations shall be made by the Village, and the affected school districts shall refer all developers to the Village for such calculations. It has been determined that the fair market value of a vacant, unimproved, and unsubdivided acre of land in and surrounding the Village is \$105,000 as of April 26, 2004; increasing to \$155,000 for all plats approved on or after May 1, 2005; and increasing to \$239,000 for all plats approved on or after January 1, 2006. The estimate of the Village Engineer as to the cost of improvements is \$45,000, for a combined total of \$150,000 as of April 26, 2004; increasing to \$200,000 on May 1, 2005, and increasing to \$284,000 on January 1, 2006; and such figure of \$150,000, \$200,000, and \$250,000 respectively, shall be used in making any calculation herein unless the subdivider, developer, or the affected school district files a written objection thereto. In the event of any such objection, the developer shall, at his cost and by a Member of Appraisal Institute (M.A.I.), submit an appraisal showing the "fair market value" of the land in the development or other evidence thereof and final determination of said "fair market value" per acre of such vacant, unimproved, and unsubdivided land shall be made by the Village Board based upon such information submitted by the subdivider or developer or school district and from other sources which may be submitted to the Village Board by others. The Village on its own motion or at the request of others may from time to time amend this provision to provide for different fair market values for parcels that are deemed by others and the Village to be of greater or lesser value. Refer to Appendices VIII-A to VIII-I.
(Amended by Ord. A-894-01-04; further amended by Ord. A-894-01-05)

Cash contributions shall be paid at the time set forth in Section IXB, J, provided, however, an owner may on written request to the Village submitted at the time of application for approval of a final plat, pay one half of the required contribution at the time of final plat approval with the balance to be paid six months after the date of final plat approval provided the balance due is secured by an irrevocable letter of credit in a form and from an issuer approved by the Village at the time of final plat approval. If the developer so chooses to pay the required contribution in two installments, the amount of second installment shall be based on the then current price per acre of land and Engineer's estimate of cost of improvements as computed hereunder (for example, if the figure is \$144,600 at the time of final plat approval but is changed within the next six months to \$120,000, the second installment shall be determined by recomputing the entire contribution on the basis of \$120,000 per acre and then dividing that amount by two).

4. **CRITERIA FOR REQUIRING DEDICATION AND A FEE.** There may be situations when both a land dedication and a cash contribution are necessary. These occasions may arise, among others, when:
- a. If it is determined by the Village that the land to be dedicated for a school site



within a development contains fewer acres than the amount called for by this ordinance, a cash contribution shall be required for the difference between the amount of land called for by this ordinance and the amount of land which is actually to be dedicated.

- b. If a major part of a local school site has already been acquired and only a small portion of land is needed from the development to complete the site, the remaining portions shall be required by dedication, and a cash contribution for the difference is required.

C. **DENSITY FORMULA.** The following table of population density is generally indicative of current and short range projected trends in family size for a new construction and shall be used in calculating the amount of required dedication of acres of land or the cash contribution in-lieu-of unless a written objection is filed thereto by the subdivider or developer:

1. **OBJECTIONS TO DENSITY FORMULA.** In the event a subdivider, developer or School District involved files a written objection to the Table of Estimated Ultimate Population listed herein and submits his own demographic study showing the estimated additional population to be generated from the subdivision or planned unit development, a final determination of the density formula to be used in such calculations shall be made by the Village Board based upon such demographic information as the Village shall require. It is recognized that population density, age distribution and local conditions change over the years, and the specific formula for the dedication of land, or the payment of fees in-lieu-of, as stated herein, is subject to periodic review and amendment if necessary.
2. **PRESUMED DENSITY FORMULA.** In applying the above table of population density to a subdivision for which the types of units and number of bedrooms cannot reasonably be determined from the data on file with the Village at the time the application for final plat approval is complete, the following types of units and bedroom data shall be used unless written objection is filed thereto by the subdivider, developer, or School District.

Detached Single Family:	Four Bedroom unit per lot.
Attached Single Family:	Equal mix of two and three bedroom units at maximum unit density permitted by applicable zoning.
Low Density Apartment:	Equal mix of two and three bedroom units at maximum unit density permitted by applicable zoning.
High Density Apartment:	Equal mix of one and two bedroom units at maximum unit density permitted by applicable zoning.



- D. **RESERVATION OF ADDITIONAL LAND.** Where the comprehensive plan of the Village calls for a larger amount of school land in a particular proposed development, subdivision or planned unit development than the developer is required to dedicate, the land needed beyond the developer's contribution shall, if so determined by the Village Board, be reserved for subsequent purchase by the Village or other public body be reserved for subsequent purchase by the Village or other public body designated by the Village provided that such acquisition is made within one year from the date of approval of the final plat.
- E. **COMBINING WITH ADJOINING DEVELOPMENTS.** Where the subdivision or planned unit development is less than forty (40) acres, school space which is to be dedicated should, where possible, be combined with dedications from adjoining developments in order to produce usable recreation areas or school sites without hardship on a particular developer.
- F. **TOPOGRAPHY AND GRADING.** The slope, topography and geology of the dedicated site as well as its surroundings must be suitable for its intended purposes. Grading on sites dedicated for school uses shall not differ greatly from surrounding land.
- G. **IMPROVED SITES.** All sites shall be dedicated fully improved with streets, water, sewer, enclosed drainage, curbs and gutter and in a condition ready for full electrical and gas service, as applicable to the location of the site, or acceptable provision made therefor.
- H. **TITLE TO SITES.** All sites to be dedicated shall be conveyed to the Village either by warranty or trustee's deed, or such form of conveyance as the Village shall require. The subdivider or developer shall be responsible for conveying good, merchantable title to such sites, and shall be responsible for payment of all real estate taxes to the date of conveyance, including any agricultural roll back taxes which might be extended or levied against such sites. In the discretion of the Village, a commitment for title insurance issued by a company authorized to do business in Illinois may be required as evidence of clear title. Conveyance shall occur only after or simultaneously with the passage of a resolution by the School District in which the development is located in which it indicates that the property will be accepted by the School District for school purposes. Immediately thereafter, the Village shall convey such property to the Regional Board of School Trustees, or the Trustees of Schools of Township Number 38 North, Range 12 East, for the use and benefit of the appropriate School District, whichever is applicable.
- I. **TIME FOR DEDICATION OR PAYMENT OF FEES IN LIEU THEREOF.** The dedication of school lands or payments of fees in lieu thereof shall be made by the owner of land within ten days after the land is annexed to the Village or prior to or at the time of the approval of the final plat of subdivision, or a final plat of a planed unit development, whichever is first to occur, except as otherwise provided in Section IXB-B-3 hereof. (Relettered and Amended by A-41-2-89)
- J. **EXPENDITURE OF CASH CONTRIBUTIONS.** Any School District which has a school building located within the corporate limits of the Village may receive cash contributions hereunder, such contributions to be utilized in accordance with Section 2.B.2.a. of this Ordinance only at the School District's building to which children residing in the Village are assigned.



- K. **INDEMNIFICATION.** Except as otherwise provided below, the affected School Districts shall be required, as a condition of receiving the donations hereunder, to indemnify and hold harmless the Village of Burr Ridge from any loss, claims and causes of actions of every kind incurred by the Village as a result, either directly or indirectly, of the passage of this Ordinance, or the administration or enforcement thereof, including any so incurred as a result of a lawsuit brought or threatened by the affected School Districts. If the Village is sued by any subdivider or developer as a result, directly or indirectly, of the passage of this Ordinance, the Village may, at its option, undertake the defense, including attorneys' fees, shall be immediately reimbursed by the affected School District. The Village may withhold delivery of any contribution to a School District pending compliance with these indemnity provisions.
1. Where the Village receives land or fees in-lieu-thereof and fails to convey property to the affected School District or expends funds for Village use (i.e., police car, water well) and suit is filed, the Village shall defend against such suit and bear its own costs and expenses incurred for such suit, including attorneys' fees.
 2. Where School Districts improperly use funds or fail to use funds and do not return same as specified in this Ordinance, the Village may sue the affected School District and shall be entitled to recover as a part of the judgement therein, or any settlement thereof, all costs and expenses, including attorneys' fees, incurred by the Village.
 3. Unless otherwise specifically provided, the above indemnification provisions shall be an implied condition of every intergovernmental contract entered into pursuant to this Ordinance.
- L. **COVENANT NOT TO SUE.** The affected School Districts covenant and agree, in addition to the indemnification provided in Section 5 of this Ordinance, not to sue the Village for any claim arising, directly or indirectly, out of the passage of this Ordinance, or the administration or enforcement thereof, except for a violation covered by Subsection A of Section 5.